

Docket No.: 22750/466

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert GROTEN et al.
Serial No. : 09/760,110
Filed : January 12, 2001
For : CLEANING CLOTH
Group Art Unit : 1771
Examiner : Norca Liz TORRES-VELAZQUEZ
Confirmation No. : 1970

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Commissioner for Patents
Washington D.C. 20231

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Date: December 9, 2002

Reg. No. 31,792

Signature: _____

Richard M. Rocati

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In response to the requirement for restriction dated November 18, 2002, applicants elect, with traverse, claims 1-20 (i.e., Group I) for further prosecution on the merits. However, it is respectfully submitted that the restriction requirement should be withdrawn for the following reasons.

In support of the requirement, the Office Action states that the inventions of Groups I and II are distinct from each other. However, restriction under 35 U.S.C. § 121 can be made only if two inventions are both independent and distinct. "Independent", as defined in the MPEP (for purposes of restriction practice) means that "there is no disclosed


relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation or effect ... (emphasis added)." MPEP § 802.01. It is submitted that the inventions of Groups I and II are not independent because claims 21-25 are drawn to a method of manufacturing a cleaning cloth having the characteristics of claims 1-20.

In addition, examination of the claims of Group I (claims 1-20) would involve searching all of the Patent and Trademark Office classes and subclasses in which the claims of Group II (claims 20-25) are also classified. Therefore, the same patentability search would embrace both the cleaning cloth and its method of manufacture. Actually, the claims bear such relation to one another as to bring them within the bounds of a single invention.

For the preceding reasons, it is submitted that the restriction requirement between the claims of Group I and the claims of Group II should be withdrawn.

Respectfully submitted,

Dated: December 9, 2002



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